

LAWRENCE WADE,
Petitioner,
vs.
DWIGHT BARBEE,
Respondent.

No. 11-2746-STA-cgc

On August 29, 2011, Petitioner Lawrence Wade, Tennessee Department of Correction prisoner number 451421, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254, accompanied by a motion seeking leave to proceed in forma pauperis. (ECF Nos. 1 & 2.) The Court issued an order on August 31, 2011, granting leave to proceed in forma pauperis. (D.E. 3.) The Clerk shall record the respondent as WTSP Warden Dwight Barbee.¹

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may

¹ The Clerk is directed to terminate former WTSP Warden Henry Steward as a party to this action.

be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

It is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the district in which the conviction was obtained.

In this petition, Petitioner is challenging a conviction and sentence from the Circuit Court for Madison County, Tennessee. Madison County is in the Eastern Division of this District. 28 U.S.C. § 123(c)(1).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. §§ 1406(a) and 2241(d), that this case is TRANSFERRED, forthwith, to the Eastern Division of this District, where it should be reassigned to a judge sitting in that division.

IT IS SO ORDERED this 18th day of November, 2011.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE